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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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JEFFREY JOSEPH E.,  
Plaintiff,

v.

MICHELLE A. KING, Acting  
Commissioner of Social Security,<sup>1</sup>  
Defendant.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case 2:24-cv-231-TS-JCB

District Judge Ted Stewart  
Magistrate Judge Jared C. Bennett

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This matter is before the Court on the Magistrate Judge's Report and Recommendation regarding Plaintiff Jeffery Joseph E.'s Motion for Review of Social Security Agency ("SSA") Action.<sup>2</sup> For the reasons discussed below, the Court adopts the Magistrate Judge's Report and Recommendation affirming the Commissioner's decision.<sup>3</sup>

On March 29, 2024, Plaintiff filed his Complaint.<sup>4</sup> This case was subsequently referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(B).<sup>5</sup> After the Social Security Administration answered,<sup>6</sup> Plaintiff filed a Motion for Review of Social Security Action.<sup>7</sup> The Magistrate Judge

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<sup>1</sup> On January 20, 2025, Michelle A. King became acting Commissioner of the Social Security Administration, and pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, she was substituted as the defendant.

<sup>2</sup> Docket No. 8.

<sup>3</sup> Docket No. 13.

<sup>4</sup> Docket No. 2.

<sup>5</sup> Docket No. 6.

<sup>6</sup> Docket No. 7.

<sup>7</sup> Docket No. 8.

issued a Report and Recommendation on the Motion on September 4, 2024.<sup>8</sup> Plaintiff timely filed an objection to the Report and Recommendation on September 18, 2024.<sup>9</sup>

The Magistrate Judge recommends that Plaintiff's Motion for the Court to reverse or remand the Commissioner's decision be denied and the Commissioner's decision be affirmed. Specifically, the Magistrate Judge recommends that the Administrative Law Judge's determination that Plaintiff was not disabled was supported by substantial evidence.

The Court reviews a Report and Recommendation de novo.<sup>10</sup> "In order to conduct a de novo review a court 'should make an independent determination of the issues . . . ; [it] is not to give any special weight to the [prior] determination'"<sup>11</sup> "The district judge is free to follow [a magistrate judge's recommendation] or wholly to ignore it, or, if he is not satisfied, he may conduct the review in whole or in part anew."<sup>12</sup>

The Court has carefully reviewed and considered the record and pleadings in this case, along with the Report and Recommendation. For the reasons explained by the Magistrate Judge, the Court agrees with the Magistrate Judge and will accordingly overrule Plaintiff's objection and adopt the Report and Recommendation in full.

It is therefore

ORDERED that the Magistrate Judge's September 4, 2024, Report and Recommendation (Docket No. 13) is ADOPTED IN FULL.

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<sup>8</sup> Docket No. 13.

<sup>9</sup> See 28 U.S.C. § 636(b)(1)(C) (stating that party has 14 days after service to object to a Report and Recommendation).

<sup>10</sup> *Id.*; FED. R. CIV. P. 72(b)(3).

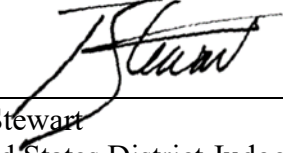
<sup>11</sup> *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. First City Nat'l Bank*, 386 U.S. 361, 368 (1967)).

<sup>12</sup> *Id.* (quoting *Mathews v. Weber*, 423 U.S. 261, 271 (1976)).

The Clerk of Court is ordered to close this case forthwith.

DATED this 3<sup>rd</sup> day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Stewart", is written over a horizontal line.

Ted Stewart  
United States District Judge